



PATENT
HMD2000-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES**

Applicants: Thomas N. Giaccherini, et al.

Examiner: Ly, Anh Vu H.

Serial No.: 09/579,324

Group Art Unit: 2667

Title: **Method for Utilizing
Excess Communications Capacity**

Filed: 25 May 2000

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

The undersigned hereby certifies that this document is being transmitted to the United States Patent Office by U.S.P.S. First Class Mail in accordance with the provisions of 37 CFR Section 1.8 on the date subscribed to below, and is addressed to The Commissioner for Patents, M.S. Appeal Brief- Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Thomas N. Giaccherini, Registration No. 31,075

1 March 2005.

Date

**PETITION FOR TWO MONTH EXTENSION OF TIME
TO SUBMIT APPEAL BRIEF**

The Commissioner for Patents
Mail Stop Appeal Brief- Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this Petition for a Two Month Extension of Time to extend the period for filing the attached Appeal Brief.

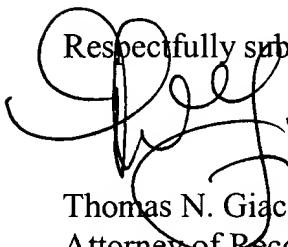
Petition for Two Month Extension of Time
to Submit Appeal Brief for USSN 09/579,324
1 March 2005
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The Applicants filed a Notice of Appeal on Monday, 25 October 2004 with a Petition for a One Month Extension of Time in response to a Second and Final Office Action dated 24 June 2004. The Second and Final Office Action provided a three month period for filing a Notice of Appeal, which expired on 24 September 2004. In accordance with 37 CFR Section 1.191 and 1.136, the Petition for One Month Extension of Time extended the time period for filing the Notice of Appeal until 25 October 2004, since 24 October 2004 fell on a Sunday.

After the Applicants submitted the Notice of Appeal on 25 October 2004, the Patent Office returned an Acknowledgement Postcard bearing an "OIPE" stamp dated 1 November 2004. In accordance with 37 CFR Section 1.192(a) and MPEP Section 1206, an Appeal Brief must be submitted within two months from the date of the Patent Office receipt of the Notice of Appeal, or 2 January 2005, since 1 January was a holiday. This Petition for Two Month Extension of Time, which is now submitted with the Applicants' Appeal Brief, will extend the period for filing the Appeal Brief until 1 March 2005.

The Applicants therefore respectfully submit that their Appeal Brief, together with the attached Petition, is now being filed on 1 March 2005 within the permitted time limits as prescribed by the Rules of the Patent Office.

The Applicant has also submitted a Credit Card Charge Authorization to pay for the Petition fee at the small entity rate of \$225, together with the Appeal Brief filing fee of \$250, for a total of \$475.

Respectfully submitted,

1 March 2005.

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Transmitted to the U.S. Patent Office
with a Rule 8 Certificate by First Class Mail on 1 March 2005.